IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

WRIT PETITION NO.220 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders

Mr. S.S. Kulkarni, for the Petitioners

CORAM : F.I. REBELLO,J.

DATED : JANUARY 27, 2005

P.C.

. Considering the impugned order there is no error apparent on the face of the record, warranting interference by this Court in the exercise of the extra ordinary jurisdiction.All that is sought to be pointed out by the petitioners are erroneous finding of fact, if they be so. That is no cause for interference.

2. Even otherwise there is a finding of fact that the structure has been put up in 1998-99 without any permission from the Corporation. If that be the case, the trial Court should not have granted protection and as such the Appellate Court was right in reversing the order of the trial Court.

3. It is the submission of the petitioners that they should not be dispossessed otherwise than by due process

of law. The petitioners if aggrieved by any act of forcible dispossession otherwise than due process of law can seek their remedy. In so far as the construction is concerned it is open to the Corporation to take steps. The learned Counsel for the petitioners submits that he is entitled for regularisation of the construction. If that be so, it will be open to the petitioners to so apply to the Corporation and the Corporation to consider the same if otherwise it is permissible in law but considering the findings recorded by the Courts.

. With the above observations, Writ Petition disposed of accordingly. No order as to costs.

. Personal Secretary of this Court to issue authenticated copy of this order to the parties.

(F.I. REBELLO, J.)